

FILED

JUN 22 2017

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

D'WAYNE BAILEY,

Petitioner,

vs.

DOUGLAS FENDER, ATTORNEY
GENERAL OF THE STATE OF
MONTANA, STEVE BULLOCK,
MIKE BATISTA, LEROY
KIRKEGARD, BLAIR HOPKINS,
SALLY ADDEN, MYRON BEESON,

Respondents.

CV 16-84-H-DLC-JTJ

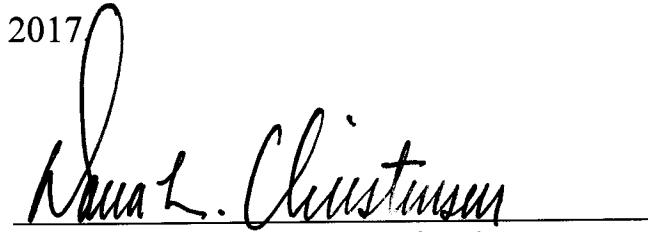
ORDER

United States Magistrate Judge John T. Johnston entered his findings and recommendations in this case on June 1, 2017, recommending denial of Petitioner D'Wayne Bailey's ("Bailey") petition for writ of habeas corpus under 28 U.S.C. § 2254. Bailey failed to timely object to the findings and recommendations, and so waived the right to *de novo* review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston found, and this Court agrees, that Bailey's petition fails to state a cognizable claim for habeas relief.

Accordingly, IT IS ORDERED that Judge Johnston's findings and recommendations (Doc. 10) are ADOPTED IN FULL. This action is DISMISSED WITH PREJUDICE. The Clerk of Court shall enter by separate document a judgment in favor of Respondent and against Petitioner Bailey. A certificate of appealability is DENIED.

DATED this 22nd day of June, 2017



Dana L. Christensen, Chief Judge
United States District Court